

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

Senate Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

CHAPTER 208

SENATE BILL 1233

AN ACT

AMENDING SECTION 38-1104, ARIZONA REVISED STATUTES; RELATING TO LAW
ENFORCEMENT OFFICER DISCIPLINE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 38-1104, Arizona Revised Statutes, is amended to
3 read:

4 38-1104. Discipline of law enforcement officers; exceptions;
5 definitions

6 A. A law enforcement officer shall not be subject to disciplinary
7 action except for just cause.

8 B. Subsection A of this section does not apply to any law enforcement
9 officer who has not completed an initial probationary period if a
10 probationary period is required by the employer or to a dismissal that is for
11 administrative purposes, including a reduction in force.

12 C. This section does not preempt agreements that supplant, revise or
13 otherwise alter the provisions of this section, including preexisting
14 agreements, between the employer and the law enforcement officer's lawful
15 representative association.

16 D. THIS SECTION DOES NOT APPLY TO A LAW ENFORCEMENT OFFICER WHO IS
17 EMPLOYED AS AN AT WILL EMPLOYEE AS A POLICE CHIEF OR AN ASSISTANT POLICE
18 CHIEF IN A LAW ENFORCEMENT AGENCY.

19 ~~D.~~ E. For the purposes of this section:

20 1. "AT WILL EMPLOYEE" MEANS A PERSON WHO IS EMPLOYED AS AN EMPLOYEE
21 WHO MAY BE TERMINATED AT THE WILL OF EITHER THE EMPLOYEE OR EMPLOYER, AT ANY
22 TIME, WITH OR WITHOUT CAUSE.

23 ~~1.~~ 2. "Disciplinary action" has the same meaning prescribed in
24 section 38-1101.

25 ~~2.~~ 3. "Just cause" means:

26 (a) The employer informed the officer of the possible disciplinary
27 action resulting from the officer's conduct through agency manuals, employee
28 handbooks, the employer's rules and regulations or other communications to
29 the officer or the conduct was such that the officer should have reasonably
30 known disciplinary action could occur.

31 (b) The disciplinary action is reasonably related to the standards of
32 conduct for a professional law enforcement officer, the mission of the
33 agency, the orderly, efficient or safe operation of the agency or the
34 officer's fitness for duty.

35 (c) The discipline is supported by a preponderance of evidence that
36 the conduct occurred.

37 (d) The discipline is not excessive and is reasonably related to the
38 seriousness of the offense and the officer's service record.

39 ~~3.~~ 4. "Law enforcement officer" means:

40 (a) An individual who is certified by the Arizona peace officer
41 standards and training board, other than a person employed by a multi-county
42 water conservation district, a reserve police officer, a volunteer or a
43 person who is otherwise exempted by an existing merit system.

- 1 (b) A correction officer or detention officer, excluding a juvenile
- 2 detention officer, who is employed by this state or a political subdivision
- 3 of this state.
- 4 (c) A regularly appointed and paid deputy sheriff of a county.
- 5 (d) A regularly employed police officer in a city or town.

APPROVED BY THE GOVERNOR APRIL 19, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2011.

Passed the House April 12, 2011,

Passed the Senate March 2, 2011,

by the following vote: 59 Ayes,

by the following vote: 30 Ayes,

0 Nays, 1 Not Voting

0 Nays, 0 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

Cheryl Laube
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

14 day of April, 2011.

at 4:46 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 19th day of

April, 2011.

at 4:20 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 19th day of April, 2011,

at 5:43 o'clock M.

[Signature]
Secretary of State

S.B. 1233